

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WAYNE DOYLE,

Plaintiff,

Case No. C-3-07-0003

-VS-

District Judge Thomas M. Rose

**CLARK COUNTY PUBLIC
LIBRARY, et al.,**

Chief Magistrate Judge Michael Merz

Defendant.

SECOND AMENDED ENTRY AND ORDER OVERRULING PLAINTIFF'S OBJECTIONS
(DOC. #25) AFFIRMING THE COURT'S PREVIOUS ADOPTION OF THE REPORTS AND
RECOMMENDATIONS (DOC. #5 AND DOC. #10) OF THE CHIEF MAGISTRATE JUDGE
IN THEIR ENTIRETY, OVERRULING PLAINTIFF'S MOTIONS FOR TEMPORARY
RESTRAINING ORDERS (DOC. #2 AND DOC. #9), ADOPTION IN THEIR ENTIRETY OF
THE DECISIONS AND ORDERS (DOC. #17 AND DOC. #22) OF THE CHIEF MAGISTRATE
JUDGE

This matter comes before the Court pursuant to a pleading filed by Plaintiff Wayne Doyle (Doc. #25) on February 16, 2007. This document was entitled:

**“Transcript 1-5-2007 Enclosed
Objection to Decision and Order
Motion for More Definite Statement
Findin (sic) of Fact and Conclusion of Law Concerning All Questions Asked and
Answered by the Court During the Telephone Conference
RENEWED
Motion for: Findings of Fact and Conclusions of Law
Motion for: Objection to all the Reports and Recommendation”**

It appears that Plaintiff specifically is again objecting to the Chief Magistrate's Report and Recommendations (Doc. #5) issued January 8, 2007 and a Supplemental Report and Recommendations (Doc. #17) issued by the Chief Magistrate Judge on January 25, 2007. With regard to those documents, the Magistrate's filing on January 25, 2007 (Doc. #17) was not a supplemental recommendation. The only Supplemental Report and Recommendation filed by the Chief Magistrate Judge was document #10 filed January 16, 2007. Plaintiff filed an Objection

(Doc. #8) to the Chief Magistrate Judge's Report and Recommendation (Doc. #5) and a renewed Motion for Temporary Restraining Order (Doc. #9) on January 12, 2007, which resulted in the Chief Magistrate Judge issuing the Supplemental Report and Recommendation (Doc. #10) on January 16, 2007. On February 8, 2007, there being no further objections to either the Chief Magistrate Judge's Report and Recommendations (Doc. #5) or his Supplemental Report and Recommendations (Doc. #10), the Court by Entry and Order (Doc. #23) adopted those Reports and Recommendations, denying Plaintiff's Motions for Temporary Restraining Orders (Doc. #2 and Doc. #9) and overruling Plaintiff's Objections (Doc. #8). To the extent that this pleading objects to either or both Reports and Recommendations (Doc. #5 and Doc. #10), it is not timely and the Court's previous ruling adopting said Report and Recommendations (Doc. #5 and Doc. #10) would render these objections moot.

Another document that it would appear Plaintiff objects to is a Decision and Order (Doc. #17) filed by the Chief Magistrate Judge on January 25, 2007. This Decision and Order (Doc. #17) was in response to Plaintiff's Objections (Doc. #15) to the Chief Magistrate Judge's Report and Recommendations (Doc. #13) on a request for preliminary injunctive relief. In said Decision and Order, the Chief Magistrate Judge withdrew that Report and Recommendation (Doc. #13) denied Plaintiff's Motion to Transfer and granted Plaintiff's request for transcript of the January 5 and 22 hearings on the Motions for Temporary Restraining Order and Preliminary Injunction and directed Plaintiff to promptly cause the Clerk to issue process and have process served which would permit the Court to set a preliminary pretrial conference pursuant to Fed. R. Civ. P. 16 at which time any request for preliminary injunctive relief would be reset.

The final document to which Plaintiff objects would be the Chief Magistrate Judge's Decision and Order Denying in Part and Finding Moot in Part Plaintiff's Motion for Findings of Fact and Conclusions of Law (Doc. #22) filed February 2, 2007. This decision was precipitated by Plaintiff's Motion for Findings of Fact and Conclusions of Law (Doc. #21) filed February 1, 2007. The Chief Magistrate Judge rightfully concluded the only matter relevant to Plaintiff's Motion would be his rulings by Report and Recommendations (Doc. #5 and Doc. #10) on the Plaintiff's Motion (Doc. #2) and his Renewed Request for Temporary Restraining Order (Doc. #10) since the ruling on the Motion for Preliminary Injunction was withdrawn. This Court has specifically reviewed the Magistrate Judge's Reports and Recommendations (Doc. #5 and Doc.

#10) that denied the Motion and Renewed Request for Temporary Restraining Orders and which was subsequently adopted by the Court on February 8, 2007 by Entry and Order (Doc. #23). The Court finds that in these Reports and Recommendations (Doc. #5 and Doc. #10), the Chief Magistrate Judge did find the facts specifically and stated separately his conclusions of law which this Court subsequently adopted over objections.

This Court has reviewed all of the comprehensive findings of the Chief Magistrate Judge and considered de novo all of said filings in this matter including but not limited to all objections filed by Plaintiff. Upon said consideration of the foregoing, the Court determines that the Plaintiff's Objections (Doc. #25) to the Report and Recommendations of the Chief Magistrate Judge (Doc. #5 and Doc. #10) are not timely, not well-founded and moot. The Plaintiff's Objections (Doc. #25) to the Chief Magistrate Judge's Decisions and Orders (Doc. #17 and Doc. #22) are not well founded and are therefore OVERRULED. This Court would affirm its previous ADOPTION of the Chief Magistrate Judge's Report and Recommendations (Doc. #5 and Doc. #8) and would ADOPT in their entirety the Chief Magistrate Judge's Entries and Orders (Doc. #17 and Doc. #22) in their entirety.

IT IS SO ORDERED.

May 1, 2007

s/THOMAS M. ROSE

THOMAS M. ROSE, JUDGE
UNITED STATES DISTRICT COURT